

## **Seattle Human Rights Rule (SHRR) 46-040**

### **Appeals of Reasonable Cause Determinations and Remedial Orders in Cases Involving City Departments as Respondents**

- (1) Appeals of determinations of reasonable cause and remedial orders issued by the Director under Seattle's Fair Employment Practices Ordinance (SMC 14.04) shall be considered and acted upon by a subcommittee of three Commissioners appointed as provided in SHRR 46-020. The subcommittee's consideration of such appeals shall not be a contested case within the meaning of the Seattle Administrative Code, SMC 3.02.
- (2) The charging party or respondent, or both, may appeal a reasonable cause determination, remedial order, or both. In order to appeal, a party must file a written statement of appeal with the Commission within 30 days after issuance of the Director's remedial order. The statement of appeal shall state specifically the grounds for appeal and shall fully describe any evidence the party thinks SOCR should have considered. The liaison shall promptly mail a copy of the statement of appeal to all other parties.
- (3) Any party may file a written statement of position regarding the appeal with the subcommittee. Such statements shall be filed with the subcommittee within thirty (30) days of the date the statement of appeal is mailed.
- (4) Within 30 days of the date the appeal is filed, the Department shall submit to the subcommittee the record of the case, which shall include at least the following:
  - a. The determination of reasonable cause and a record of the case.
  - b. The remedial order and supporting documentation.
  - c. Any written comments to the proposed finding and determination submitted by the parties pursuant to SMC 14.04.120.
- (5) The subcommittee shall review and consider the record submitted by the Department and any written statements of positions submitted by the parties and shall act upon such appeals in the manner provided by Section (7) of this rule within 60 days of the filing of the appeal.

(6) The subcommittee shall act upon appeals of reasonable cause determinations and remedial orders in the following manner:

- a. Affirm the Director's determination and order;
- b. Remand the determination or order to the Director for further investigation; or
- c. Reverse the Director's determination or order only upon a finding that such determination or order is clearly erroneous.

- i. In order to find that the determination or order is clearly erroneous, the subcommittee must, based on its review of the record, be left with the definite and firm conviction that a mistake has been committed. The subcommittee may not substitute its judgment for that of the Director. Where there is room for two reasonable opinions, the determination or order cannot be found to be clearly erroneous.

- ii. Whenever the subcommittee finds the determination or order to be clearly erroneous, a written order to that effect shall be entered remanding the entire case to the Director with instructions for further administrative action. All parties shall be served with a copy of the order.

(7) Whenever the subcommittee affirms the determination and order, an order to that effect shall be entered and the determination shall be deemed a finding that an unfair employment practice has been committed by the Respondent and shall be dispositive of this issue for all future proceedings pursuant to SMC 14.04.150. A copy of the order shall be served on all parties.

(8) Whenever the subcommittee remands the case to the Director, the Director shall carry out the instructions for further administrative action.